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NO8-1115

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TO BE FILED UNDER SEAL

UNITED STATES OF AMERICA

AFFIDAVIT AND
COMPLAINT IN SUPPORT
OF ARREST WARRANT

- against -

JACOB SWEENEY,

(T. 18 U.S.C. § 2113(a))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

MICHAEL A. BURGWALD, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

Upon information and belief, on or about December 6, 2008, within the Eastern District of New York, the defendant JACOB SWEENEY, together with others, did knowingly, intentionally take and attempt to take by force, violence and intimidation, from the person and presence of another, money belonging to and in the care, custody, control, management and possession of branches of banks and other financial institutions, the deposits of which are insured by the Federal Deposit Insurance Corporation.

(Title 18, United State Code, Section 2113(a))

The source of your deponent's information and the grounds for his belief are as follows:

1. Your deponent is a Special Agent with the Federal Bureau of Investigation ("FBI") currently assigned to the New York City Police Department and Federal Bureau of Investigation Joint Bank Robbery Task Force (hereinafter "JBRTF") in New York. I am familiar with the facts contained in this affidavit as a result of my participation in the investigation of the bank robbery discussed below, which includes, but is not limited to, my review of bank robbery surveillance photographs, my review of notes of interviews with witnesses, and conversations with other law enforcement personnel assisting with the investigation. Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest the defendant, I have not included details of every aspect of this investigation.

2. On or about December 6, 2008, Washington Mutual at 192 Smith Street, Brooklyn, New York, was robbed by two men of approximately \$11,100. Specifically, the defendant JACOB SWEENEY and his co-conspirator (hereinafter "Co-Conspirator") simultaneously approached separate tellers within the Washington Mutual branch. Co-Conspirator approached a teller in the bank (hereinafter "Victim #1"), stuck an object into the ribs of Victim #1, and demanded United States currency from Victim #1. The object displayed by Co-Conspirator was wrapped in cloth, and

Victim #1 believed it to be weapon. Victim #1 complied with the demand and handed Co-Conspirator United States Currency that Victim #1 had received from a customer. Victim #1 also removed additional United States currency from a teller cash dispense machine and handed the money to Co-Conspirator. In total, Victim #1 gave Co-Conspirator \$11,100 in United States currency.

3. At or around the same time, the defendant JACOB SWEENEY approached another teller in the bank (hereinafter "Victim #2") and demanded United States currency. SWEENEY held his hand out in front of Victim #2 and displayed an object that was wrapped in a green cloth. SWEENEY told Victim #2, in sum and substance, that he did not want to have to shoot Victim #2. Victim #2 told SWEENEY, in sum and substance, that he did not have any money to give to SWEENEY. SWEENEY then fled the bank premises. As discussed further below, Victim #2 has identified the defendant JACOB SWEENEY as one of the perpetrators. The identities of Victim #1 and Victim #2 are known to the FBI.

4. The defendant JACOB SWEENEY was described by Victim #2 as an African-American male in his late 20's, approximately 5'3" and 200 lbs. Victim #1 described Co-Conspirator as an African-American male, approximately 25-years old, approximately 5'6" and 150 lbs.

5. As Co-Conspirator left the bank with the currency, a bank customer (hereinafter "Customer") followed Co-Conspirator

and observed Co-Conspirator get into the front passenger seat of a black vehicle, New York license plate number DXG9897.

6. A review of New York State motor vehicle records revealed that New York license plate number DXG9897 is registered to Diane Grant, 393 Dumont Avenue, Apartment 7G, Brooklyn, New York.

7. During the course of the investigation, members of the JBRTF communicated with the property manager of 393 Dumont Avenue, Brooklyn, New York, and obtained emergency contact information provided by tenant Diane Grant to the property manager. The emergency contact information provided by Diane Grant is as follows: Linda Sweeney, 798 Macon Street, Brooklyn, New York.

8. A search of New York City Police Department records revealed that the defendant JACOB SWEENEY was arrested by the New York City Police Department on November 11, 2008 and that SWEENEY listed his residence as 798 Macon Street, Brooklyn in connection with that arrest. A review of SWEENEY's arrest pedigree information revealed that SWEENEY is 5'4" and weighs 200 lbs.

9. On December 11, 2008, two members of the JBRTF showed a photo array, which included the defendant JACOB SWEENEY's November 11, 2008 arrest photo and photos of five other

individuals, to Victim #2. After viewing the photo array, Victim #2 pointed to the photo of the defendant JACOB SWEENEY and identified him as the bank robber who demanded money from him.

WHEREFORE, your deponent respectfully requests that the defendant JACOB SWEENEY be dealt with according to law.



MICHAEL A. BURGWALD
Special Agent
Federal Bureau of
Investigation

Sworn to before me this
12 day of December, 2008

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S/ Reyes

JUDGE
YORK